

REMARKS

Applicants acknowledge with appreciation the indication of allowable subject matter in claim 2.

This application has been amended in a manner to focus on the allowable subject matter.

I. Claim Status and Amendments

Claims 1, 3-6 and 10-15 have been cancelled without prejudice, as applicants reserve the right to file one or more divisional or continuation applications directed to their subject matter.

Claim 2 remains pending.

II. Objection to the Specification

The Official Action objected to page 5 of the specification, which included an amendment stating "comprising gene groups of avermectin aglycon biosynthesis of Streptomyces avermitilis".

Page 5 has been amended to remove this statement, and thus, withdrawal of the objection is respectfully requested.

III. 112 Rejection, 1st paragraph

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, for not complying with the written description requirement.

As claim 1 is cancelled, this rejection is moot.

IV. 112 Rejection, 2nd paragraph

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, for being indefinite.

As claim 1 is cancelled, this rejection is moot.

V. Obviousness Rejection

Claim 1 was rejected under 35 U.S.C. § 103(a) as obvious over Carter (J. Antibiot., vol. 41, no. 4, pp. 519-529 (1988)) in view of MacNeil (US 5,312,753) and Huang (US 2005/0003409).

As claim 1 is cancelled, this rejection is moot.

V. Conclusion

In view of the amendment to the claims and the specification and the remarks stated above, it is respectfully submitted that the application is in condition for allowance and notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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